

JUNE 2016 MINUTES

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 4.40pm.

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

| | |
|---------------|--------|
| Cr M Tuffley | Member |
| Cr R Jury | Member |
| Cr G Browne | Member |
| Cr S Crosby | Member |
| Cr G Collins | Member |
| Cr T Borgward | Member |
| Cr M Stephens | Member |

Staff

| | |
|------------|--------------------------------|
| JP Bentley | Chief Executive Officer |
| M Bamess | Deputy Chief Executive Officer |
| DW Long | Works Manager |

Members of the Public

Apologies

| | |
|------------|--------|
| Cr A Smith | Member |
|------------|--------|

Members on Leave of Absence

3. DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
Nil
- **Proximity Interest:**
Nil

4. PUBLIC QUESTION TIME:

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

6.1 Ordinary Meeting of Council held on Wednesday 18 May, 2016

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 May, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

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| 4586 - COUNCIL RESOLUTION (Officer Recommendation) |
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MOVED Cr T Borgward / Cr S Crosby

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 18 May, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 7/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 31 MAY 2016

| | |
|---------------------------|-------------------------------------------------|
| DATE: | 8 June 2016 |
| SUBJECT: | Monthly Financial Reports to 31 May 2016 |
| PROPONENT: | N/A |
| LOCATION: | Whole of the Shire |
| AUTHOR: | Michelle Bamess –Deputy Chief Executive Officer |
| REPORTING OFFICER: | Michelle Bamess –Deputy Chief Executive Officer |
| FILE NO: | FIN30.20 |
| ASSESSMENT NO: | N/A |

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

ATTACHMENTS

- Monthly Financial Reports to 31 May 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 31 May 2016)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 31 May 2016

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|-----------------------------------------------------------|
| 4587 - COUNCIL RESOLUTION (Officer Recommendation) |
|-----------------------------------------------------------|

MOVED Cr M Stephens / Cr R Jury

That the following Monthly Financial Reports be received by Council:

- **Monthly Financial Reports to 31 May 2016.**

**CARRIED 7/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 MAY 2016

| | |
|---------------------------|--------------------------------------------------|
| DATE: | 7 June 2016 |
| SUBJECT: | Schedule of Accounts Paid |
| PROPONENT: | N/A |
| LOCATION: | Whole of the Shire |
| AUTHOR: | Jill Kent – Senior Administration Officer |
| REPORTING OFFICER: | Michelle Bamess – Deputy Chief Executive Officer |
| FILE NO: | N/A |
| ASSESSMENT NO: | N/A |

FUND VOUCHERS AMOUNT

| | |
|-------------------|--------------|
| Municipal Fund | \$422,879.03 |
| Trust Fund | \$720.00 |
| Direct Debits | \$103,870.18 |
| Spoiled Cheques | |
| Cancelled Cheques | |

ATTACHMENTS

Schedule of Accounts submitted 15 May 2016.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

| | |
|----------------|---------------------------|
| Municipal Fund | \$422,879.03 |
| Trust Fund | \$720.00 |
| Direct Debits | \$103,870.18 |
| TOTAL | <u>\$527469.21</u> |

4588 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr R Jury / Cr G Browne

| | |
|-----------------------|---------------------------|
| Municipal Fund | \$422,879.03 |
| Trust Fund | \$720.00 |
| Direct Debits | \$103,870.18 |
| TOTAL | <u>\$527469.21</u> |

**CARRIED
By Simple Majority 7/0**

9.1.3 CO-OPERATIVE BULK HANDLING PTY LTD

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|---------------------------|------------------------------------------------------------------------------------------|
| DATE: | 25 May 2016 |
| PROPONENT: | Co-operative Bulk Handling Pty Ltd |
| LOCATION: | Lot 10 Jolley Street, Pingrup |
| SUBJECT: | Development Application- 'Workforce Accommodation' Carly Rundle – Planning Consultant |
| AUTHOR: | Peter Bentley – Chief Executive Officer |
| REPORTING OFFICER: | |
| FILE NO: | |
| ASSESSMENT NO: | A – Location Plan |
| ATTACHMENTS: | B – Development Plans |

PURPOSE

The Shire has received a development application from Co-operative Bulk Handling (CBH) for the construction of Workforce Accommodation at Lot 10 Jolley Street, Pingrup.

The proposal involves the placement of one transportable building, containing four internal units (each with an ensuite), erection of a new tank, decommissioning of the existing septic and installation of a new septic system.

Council is requested to consider the application proposed.

BACKGROUND

Lot 10 is 21.007hain area and located directly south of the Pingrup town site (see Attachment A). The property currently contains the Pingrup CBH, which is a grain receival site, containing a number of grain storage bins, bulkheads, associated infrastructure and two staff accommodation buildings which can accommodate up to 10 persons.

The proposed accommodation building, and existing accommodation will provide for a total of 14 staff on the site.

Lot 10 is zoned 'Industrial' and annotated as 'CBH' on the scheme maps. The property is surrounded by land zoned 'Rural' to the west and land zoned 'Rural' and 'Reserve for Recreation' to the north separated by Jolley Road. Both adjoining properties to the west and north are both undeveloped and covered with remnant vegetation.

The property to the south is located outside of the Scheme boundaries and is unzoned land, however is used for land uses consistent with a 'Rural' zone.

The use of the site is for grain receival and storage from agricultural land in the region. This is consistent with the use class of 'Industry – Rural' which:

"means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality."

A 'Rural Industry' is a permitted use in the 'Industrial' zone.

Although workforce accommodation is ordinarily incidental to CBH operations (Rural Industry), the definition of Rural Industry does not provide for accommodation and the land use of workers accommodation is therefore a separate (incidental) land use.

Workforce Accommodation is an unlisted use in the Scheme, and is required to be assessed in accordance with Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, which requires advertising prior to assessment.

The proposal will be advertised for a period of 14 days, ending on the 23rd June. Any submissions on the proposal will be assessed and returned to Council for further scrutiny if received.

STATUTORY IMPLICATIONS

Development applications are required to be assessed in accordance with the Shire of Kent Town Planning Scheme No. 2 and Planning and Development (Local Planning Schemes)

Regulations 2015 – Schedule 2 Deemed Provisions. The deemed provisions prevail in the event of inconsistency between the Scheme.

Shire of Kent Town Planning Scheme No.2

The property is zoned 'Industrial' by Shire of Kent Town Planning Scheme No. 2 (referred herein as TPS2). The Scheme maps annotate the property as 'CBH'. There is no definition of CBH in the Scheme or procedure for how to treat properties annotated as such, although it is assumed that the annotation indicates that the property is suitable for CBH (Rural industry) and incidental land uses.

Notwithstanding the above, as this is not reflected within the Scheme provisions, the use will be assessed in accordance with standard scheme provisions.

The use of 'Workforce Accommodation' is an unlisted use in Schedule 1 - interpretations and the Schedule 2 – Zoning Table.

Clause 3.2.5 of the Scheme addresses uses not listed:

"If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- a) *Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for planning consent."*

Clause 641 (b) of the Regulations requires:

(1) "An application for development must be advertised under this clause if the proposed development – ...

(b) relates to a use if –

- i. *the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
- ii. *The local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given".*

The objectives of the Industrial zone in CI 5.5.1 are as follows:

"The Council's objective for the Industrial zone is to provide for a diverse range of industries in locations where such uses will not have a detrimental impact on the amenity of nearby uses or the environment."

The existing land use CBH (Rural Industry) regularly requires operation outside of normal business hours which warrant the provision of onsite accommodation for staff and has seasonal peaks requiring the provision of a number of workers on site. The accommodation is required to support the continued operation of the Rural Industry on site, a permitted use in the Industrial zone and is consistent with the objectives of the Industrial zone.

Other relevant provisions of the Scheme relating to the Industrial zone are:

5.5.2 Provisions

The following provisions shall apply to the Industrial zone:

- (i) All sites shall be screened and landscaped to the satisfaction of Council.*
- (ii) Car parking, loading bays and access ways shall be designed to enable all vehicles to enter and leave the site in a forward gear.*
- (iii) All effluent and waste products shall be retained within the site and disposed of to the satisfaction of Council.*

The building is setback sufficiently from Jolley Road, and existing vegetation within the road verge provides sufficient screening of the buildings. There is sufficient space for car parking to be provided on site, and the provision of one bay per unit will be a condition of approval.

Waste from the units will be limited to human waste, which will receive the appropriate approvals for an onsite effluent system at development stage. The proposal is consistent with development provisions of the scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

Local government is to give due regard to Clause 67 of the Regulations in the consideration of any planning application. The proposal is a compatible land use in the Industrial zone, consistent with the visual amenity and character of the locality and not anticipated to have a detrimental impact on the locality. The proposal is generally consistent with matters for consideration of Clause 67.

The following provision requires further discussion:

- (n) The availability and adequacy for the development of the following:*
 - i) Public transport services;*
 - ii) Public utility services;*
 - iii) Storage, management and collection of waste;*
 - iv) Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - v) Access by older people and people with a disability.*

The proposed units have not been designed to accommodate for disabled access and the applicant has been advised of the requirement under the Building Codes which would require at least two of the units to be modified to be disabled access compliant. The

applicant has advised that CBH has previously been granted exemptions from this requirement.

Irrespective of the above, the issuing of planning consent does not over-ride any requirement to comply with the provisions of the building codes, and any amendments to comply are expected to be minor which could be accommodated without the need for an amended planning consent to be submitted. Should disabled access be required, the car parking will be required to accommodate for the provision of two disabled bays on site.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire as a result of this proposal.

STRATEGIC IMPLICATIONS

The approval of this application is consistent with the Shire of Kent's Strategic Community Plan.

COMMENT

The proposed 'Workforce Accommodation' is consistent with the objectives and provisions of the 'Industrial' zone in the Scheme.

The accommodation is incidental to the existing Rural Industry (CBH) land use occurring on site, is consistent with the amenity of the locality and complies with development standards of the scheme.

It is recommended to Council that the proposal is consistent with Town Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015, and that pursuant to Clause 68 of the Regulations that planning consent, subject to conditions be granted for the proposed development.

ATTACHMENTS

Location Plan
Development Plans

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Subject to there being no submissions resulting from the local advertising of this project, approve the development application for Workforce Accommodation at Lot 10 Jolley Street, Pingrup subject to the following conditions:

Conditions:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.
3. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 have been implemented and/or the following conditions have been complied with:
 - a) A minimum number of 4 additional car parking bays (inclusive of any required disabled bay) for the use hereby approved shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.
4. The works undertaken to satisfy Condition(s) 2 and 3 shall be subsequently maintained for the life of the development.

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| 4589 - COUNCIL RESOLUTION (Officer Recommendation) |
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MOVED Cr G Collins / Cr T Borgward

That the Council:

Subject to there being no submissions resulting from the local advertising of this project, approve the development application for Workforce Accommodation at Lot 10 Jolley Street, Pingrup subject to the following conditions:

Conditions:

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.
3. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 have been implemented and/or the following conditions have been complied with:
 - a. A minimum number of 4 additional car parking bays (inclusive of any required disabled bay) for the use hereby approved shall be provided on site. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.
4. The works undertaken to satisfy Condition(s) 2 and 3 shall be subsequently maintained for the life of the development.

**CARRIED 7/0
By Simple Majority**

10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**
12. **INFORMATION BULLETIN**

4590 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward/ Cr G Collins

That the Information Bulletin be received by Council.

CARRIED 7/0

13. **MATTERS BEHIND CLOSED DOORS**

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

4591 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr M Stephens / Cr R Jury

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

CARRIED 7/0

4592 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr Stephens / Cr Crosby

That Council:

Re-open the meeting to the general public

CARRIED 7/0

14. **MEETING CLOSURE**

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 5.35pm.